

REMARKS

The Office Action of March 23, 2001 in the parent application has been carefully considered.

Claim 17 has now been amended to incorporate the recitations of claim 40, in which the method of cosmetic care is specifically for improving cohesion between dermis and epidermis, toning up skin, slowing appearance of signs of skin aging, slowing appearance of wrinkles or reducing wrinkle depth, or improving hair condition.

Claim 41 has been placed in independent form as new claim 47, and is directed to a cosmetic treatment for increasing collagen VII content. Claims 48-69 correspond to claims 18-39.

Claims 40-46 were rejected under 35 USC 103 over Arima et al in view of Bonte et al, Ancira and Levy et al.

Arima et al discloses external application of ellagic acid for skin lightening. There is no disclosure or suggestion of the methods of claims 17 or 47 as amended hereinabove.

Bonte et al discloses compositions containing *Bertholletia* extract, which contains tannins, especially ellagitannin and gallotannins. These compounds, however, are not the same as ellagic acid, as established by the enclosed pages from Haslam, *Plant Polyphenols*, Cambridge University

Press, 1989. The structure of gallotannins and ellagitannins, shown on page 92 of the reference is not the same as ellagic acid.

Ancira discloses skin peel compositions in which ellagic acid is disclosed as a melanin inhibiting agent. The use of the ellagic acid is thus essentially the same as in the Arima et al reference.

Levy et al discloses that plant polyphenols have anti-free radical activity. While ellagic acid is mentioned in a long list of polyphenols, there is no disclosure or suggestion that ellagic acid might increase collagen VII content in the skin.

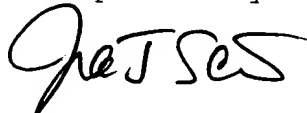
Thus, based on the cited references, there would be no expectation that ellagic acid would increase collagen VII content in the skin, with the beneficial effects which result therefrom. Withdrawal of this rejection is requested.

With regard to the rejection of the claims under 35 USC 112, 1<sup>st</sup> paragraph, claim 23 has been amended to recite "vitamin A" and "vitamin C" and the dependencies of claims 24 and 33 have been amended to provide antecedent basis for the terminology. Withdrawal of this rejection is requested.

Finally, claim 21 has been corrected, and claims 22, 35, 36, 38 and 39 have been amended so that plant names have been italicized.

In view of the foregoing amendments and remarks,  
Applicants submit that this application is now in condition  
for allowance. An early allowance of the application with  
amended claims is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Ira J. Schultz", written in a cursive style.

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## APPENDIX

### IN THE CLAIMS:

17. (Amended) A method of cosmetic care selected from the group consisting of methods for improving cohesion between dermis and epidermis, toning up skin, slowing appearance of signs of skin aging, slowing appearance of wrinkles or reducing wrinkle depth, and improving hair condition, comprising delivering to skin or hair of a person in need thereof, a cosmetically effective amount of an ellagic component selected from the group consisting of ellagic acid, an ellagic acid salt, an ellagic acid metal complex, an ellagic acid monoether, an ellagic acid polyether, an ellagic acid monoacylated compound, an ellagic acid polyacylated compound, optionally in combination with a cosmetically acceptable excipient.

21. (Amended) The method of claim 17, wherein said ellagic component is present in a cosmetic composition further containing at least one substance selected from the group consisting of a substance which promotes synthesis of at least one extracellular matrix constituent of the [of the] skin and a substance which regulates the formation of the skin corneal layer.

22. (Amended) The method of claim 21, wherein said substance is selected from the group consisting of a vitamin,

a tocopherol, a xanthine, a retinoid, an extract of [Centella asiatica] Centella asiatica, asiatic acid, madecassic acid, a glycosylated asiatic acid, a glycosylated madecassic acid, an extract of [Siegesbeckia orientalis] Siegesbeckia orientalis, an extract of [Commiphora mukul] Commiphora mukul, an extract of [Eriobotrya japonica] Eriobotrya japonica and a mineral compound.

23. (Amended) The method of claim 22, wherein said vitamin is selected from the group consisting of [a] vitamin [of group] A, an ester of [a] vitamin [of group] A, [a] vitamin [of group] C and an ester of vitamin [of group] C; said xanthine is caffeine or theophylline; said retinoid is vitamin A acid; said glycosylated asiatic acid is asiaticoside and said glycosylated madecassic acid is madecassoside.

24. (Amended) The method of claim [21] 22, wherein said mineral compound is selected from the group consisting of a magnesium compound, a manganese compound, a silicon compound and a zinc compound.

33. (Amended) The method of claim [31] 32, wherein said sugar is selected from the group consisting of glucose, arabinose, rhamnose and galactose.

35. (Amended) The method of claim 17, wherein said ellagic component is present in a composition further comprising at least one substance selected from the group

consisting of an aliphatic C<sub>3</sub>-C<sub>12</sub> alpha-hydroxy acid, an amino acid, a ceramide, a glycoceramide, a phospholipid, a slimming agent, an extract of [Coleus] Coleus, an extract of [Tephrosia] Tephrosia, an agent for combating stretch marks, an agent for protecting or improving microcirculation of blood and a sunscreen.

36. (Amended) The method of claim 35, wherein said alpha-hydroxy acid is selected from the group consisting of citric acid, malic acid and lactic acid; said amino acid is selected from the group consisting of arginine, citrulline and threonine; said slimming agent is forskolin; said agent for combating stretch marks is an extract of horse-chestnut or escin; said agent for protecting or improving the blood microcirculation is a bioflavonoid of [Ginkgo biloba] Ginkgo biloba and said sunscreen is selected from the group consisting of a titanium oxide, acyl methoxycinnamate and a sunscreen of a vegetable origin.

38. (Amended) The method of claim 37, wherein said antidandruff agent is selected from the group consisting of an extract of [Arctium lappa] Arctium lappa, chloroxylenol, resorcinol and zinc pyrithione; said antiseborrhea agent is a 5 $\alpha$ -reductase inhibitor; and said agent for stimulating the blood microcirculation is cepharanthine or methyl nicotinate.

39. (Amended) The method of claim 38, wherein said 5 $\alpha$ -  
reductase inhibitor is an extract of [Pygeum africanum] Pygeum  
africanum.